

FILED

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

Attorney for Plaintiff
MARIA CLEMENA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARIA CLEMENA, an individual,

Plaintiff,

vs.

ONEMAIN FINANCIAL, INC., a
foreign corporation; and DOES 1 to 10,
inclusive,

Defendant(s).

Case No.: SA 13-999-ODW (ANx)

COMPLAINT AND DEMAND FOR
JURY TRIAL FOR VIOLATIONS
OF:

1. THE ROSENTHAL FAIR DEBT
COLLECTION PRACTICES
ACT [CAL. CIV. CODE § 1788]
2. THE TELEPHONE CONSUMER
PROTECTION ACT
[47 U.S.C. § 227]

COMPLAINT FOR DAMAGES

I. INTRODUCTION

1. Maria Clemena ("Plaintiff") brings this action to secure redress from OneMain Financial, Inc. ("Defendant") for violations of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 and the Rosenthal Fair Debt Collection Practices Act ("RFDCPA"), CAL. CIV. CODE § 1788. The TCPA is a

1 federal statute that broadly regulates the use of automated telephone equipment.
2 Among other things, the TCPA prohibits certain unsolicited marketing calls,
3 restricts the use of automatic dialers or prerecorded messages, and delegates
4 rulemaking authority to the Federal Communications Commission ("FCC"). The
5 RFDCPA prohibits creditors and debt collectors from engaging in abusive,
6 deceptive and unfair practices in connection with the collection of consumer
7 debts.

8 **II. JURISDICTION AND VENUE**

9 2. Jurisdiction in this Court is proper pursuant to 28 U.S.C. § 1331 as
10 Plaintiff's claims arise under the laws of the United States. Jurisdiction in this
11 Court is also proper pursuant to 28 U.S.C. § 1367 as Plaintiff's RFDCPA claim is
12 so related to Plaintiff's TCPA claim that they form part of the same case or
13 controversy under Article III of the United States Constitution.

14 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)
15 because the acts and transactions alleged in this Complaint occurred here,
16 Plaintiff resides here, and Defendant transacts business here.

17 **III. PARTIES**

18 4. Plaintiff is an individual, residing in Buena Park, Orange County,
19 California 90620. Plaintiff is a natural person from whom a debt collector seeks
20 to collect a consumer debt which is due and owing or alleged to be due and
21 owing from such person. Thus, Plaintiff is a "debtor" as defined by the
22 RFDCPA, CAL. CIV. CODE § 1788.2(h).

23 5. Defendant is a foreign corporation, registered under the laws of the
24 State of Maryland. Upon information and belief, Defendant's principal place of
25 business is 300 St. Paul Place, Baltimore, Maryland 21202.

26 6. In the ordinary course of business, regularly, on behalf of itself or
27 others, Defendant engages in debt collection and thus, Defendant is a "debt
28 collector" as defined by the RFDCPA CAL. CIV. CODE § 1788.2. Defendant

1 regularly engages in the collection of debt by telephone in several states
2 including, California.

3 7. The true names and capacities, whether individual, corporate, or in
4 any other form, of Defendants DOES 1 through 10, inclusive, and each of them,
5 are unknown to Plaintiff, who therefore sues them by such fictitious names.
6 Plaintiff will seek leave to amend this Complaint to show the true names and
7 capacities of DOES 1 through 10 should they be discovered.

8 **IV. FACTUAL ALLEGATIONS**

9 8. Within one year prior to the filing of this action, Defendant contacted
10 Plaintiff to collect consumer loan ("alleged debt"). Defendant identifies the
11 alleged debt by account number 0501720186411.

12 9. The alleged debt is money, property or their equivalent, due or
13 owing or alleged to be due or owing from a natural person by reason of a
14 consumer credit transaction, which qualifies as a "consumer debt," as defined by
15 RFDCPA, CAL. CIV. CODE § 1788.2(f).

16 10. At all times relevant to this action, Defendant owned, operated
17 and/or controlled telephone numbers 714-441-1296, 866-921-2342, 888-202-
18 1333, and 888-921-7211. At all times relevant to this action, Defendant called
19 Plaintiff from, but not limited to, telephone numbers 714-441-1296, 866-921-
20 2342, 888-202-1333, and 888-921-7211.

21 11. Within one year prior to the filing of this action, Defendant
22 constantly and continuously called Plaintiff at, but not limited to, Plaintiff's
23 cellular telephone number 562-713-4444 and Plaintiff's place of employment
24 number 562-627-7839.

25 12. Within one year prior to the filing of this action, Defendant called
26 Plaintiff at Plaintiff's place of employment. Plaintiff answered the telephone and
27 spoke with a representative of Defendant who identified herself as "Marisol."
28 During this conversation, Plaintiff notified Defendant that Plaintiff was not

1 permitted to accept personal calls at work. During this conversation, requested
2 that Defendant cease calling Plaintiff at Plaintiff's place of employment. During
3 this conversation, Defendant's representative "Marisol" told Plaintiff that
4 Defendant would keep calling Plaintiff at work and that Defendant would do what
5 it needed to do.

6 13. Within one year prior to the filing of this action, Defendant called
7 Plaintiff at Plaintiff's place of employment after Plaintiff requested Defendant
8 cease calling Plaintiff at Plaintiff's place of employment.

9 14. Within one year prior to the filing of this action, Defendant called
10 Plaintiff at Plaintiff's cellular telephone. Plaintiff answered the telephone and
11 spoke with a representative of Defendant. During this conversation, Plaintiff
12 requested that Defendant cease calling Plaintiff at Plaintiff's cellular telephone.

13 15. Within one year prior to the filing of this action, Defendant called
14 Plaintiff at Plaintiff's cellular telephone after Plaintiff requested Defendant cease
15 calling Plaintiff at Plaintiff's cellular telephone.

16 16. On or about, August 6, 2013, Plaintiff requested in writing that
17 Defendant cease calling Plaintiff at Plaintiff's place of employment.

18 17. Subsequent to August 6, 2013, Defendant called Plaintiff at
19 Plaintiff's place of employment.

20 18. On or about, August 23, 2013, Plaintiff requested in writing that
21 Defendant cease calling Plaintiff at Plaintiff's place of employment.

22 19. Subsequent to August 23, 2013, Defendant called Plaintiff at
23 Plaintiff's place of employment.

24 20. On or about, September 4, 2013, Plaintiff requested in writing that
25 Defendant cease calling Plaintiff at Plaintiff's place of employment.

26 21. Subsequent to September 4, 2013, Defendant called Plaintiff at
27 Plaintiff's place of employment.
28

1 22. On or about, September 27, 2013, Defendant received written
2 notification that Plaintiff was represented by an attorney. In this correspondence,
3 Defendant was requested to cease contacting Plaintiff. In this correspondence,
4 Defendant was requested to direct all future correspondence regarding Plaintiff
5 and Plaintiff's account with Defendant to Plaintiff's attorney. In this
6 correspondence, Defendant was provided with Plaintiff's attorney's contact
7 information.

8 23. Subsequent to September 27, 2013, Defendant contacted Plaintiff.

9 24. On or about, November 4, 2013, Defendant received written
10 notification that Plaintiff was represented by an attorney. In this correspondence,
11 Defendant was requested to cease calling Plaintiff.

12 25. Subsequent to November 4, 2013, Defendant called Plaintiff.

13 26. Within one year prior to the filing of this action, Defendant contacted
14 Plaintiff after Defendant was notified in writing that Plaintiff was represented by
15 an attorney.

16 27. Within one year prior to the filing of this action, Defendant contacted
17 Plaintiff after Plaintiff's place of employment after Defendant was notified
18 Plaintiff's employer prohibited such communications. Within one year prior to
19 the filing of this action, Defendant contacted Plaintiff after Plaintiff's place of
20 employment after Plaintiff's requested that Defendant cease calling Plaintiff at
21 Plaintiff's place of employment. Within one year prior to the filing of this action,
22 Defendant contacted Plaintiff after Plaintiff's place of employment after
23 Plaintiff's requested in writing that Defendant cease calling Plaintiff at Plaintiff's
24 place of employment.

25 28. Within one year prior to the filing of this action, Defendant contacted
26 Plaintiff after Plaintiff requested in writing that Plaintiff wanted Defendant to
27 cease communicating with Plaintiff.
28

1 29. Defendant's conduct as alleged herein was done to harass, oppress,
2 or abuse Plaintiff.

3 30. Within one year prior to the filing of this action, Defendant caused
4 Plaintiff's telephone to ring or engaged Plaintiff in telephone conversations
5 repeatedly.

6 31. Within one year prior to the filing of this action, Defendant
7 repeatedly called Plaintiff multiple times over the course of one day. For
8 example, on or about, but not limited to October 10, 2013, Defendant called
9 Plaintiff no less than seven (7) times over the course of one day.

10 32. Defendant's conduct as alleged herein amounts to an unfair or
11 unconscionable means to collect or attempt to collect the alleged debt.

12 33. At all times relevant to this action, while conducting business in
13 California, Defendant has been subject to, and required to abide by, the laws of
14 the United States, which included the TCPA and its related regulations that are set
15 forth at 47 C.F.R. § 64.1200 ("TCPA Regulations"), as well as the opinions,
16 regulations and orders issued by the courts and the FCC implementing,
17 interpreting and enforcing the TCPA and the TCPA regulations.

18 34. At all times relevant to this action, Defendant owned, operated
19 and/or controlled an "automatic telephone dialing system" as defined by TCPA
20 47 U.S.C. § 227(a)(1) that originated, routed and/or terminated
21 telecommunications.

22 35. Within four years prior to the filing of this action, Defendant called
23 Plaintiff at Plaintiff's cellular telephone using an artificial prerecorded voice or
24 using equipment which has the capacity to store or produce telephone numbers to
25 be called, using random or sequential number generator and to dial such numbers,
26 also known as an "automatic telephone dialing system" as defined by TCPA 47
27 U.S.C. § 227(a)(1)(A) and (B).

1 36. Defendant never received Plaintiff's consent to call Plaintiff on
2 Plaintiff's cellular telephone using an "automatic telephone dialing system" or an
3 "artificial or prerecorded voice" as defined in 47 U.S.C. § 227 (a)(1).

4 37. Even assuming Defendant received Plaintiff's consent to call
5 Plaintiff on Plaintiff's cellular telephone using an "automatic telephone dialing
6 system" or an "artificial or prerecorded voice" as defined in 47 U.S.C. § 227
7 (a)(1), this consent was revoked when Plaintiff orally requested Defendant cease
8 calling Plaintiff on Plaintiff's cellular telephone. This consent was further
9 revoked on or about, but not limited to, August 6, 2013, August 23, 2013,
10 September 4, 2013, September 27, 2013 and November 4, 2013, when Plaintiff
11 requested in writing that Defendant cease contacting Plaintiff.

12 38. Upon information and belief, at no time have Plaintiff and Defendant
13 had an "established business relationship" as defined by 47 U.S.C. § 227(a)(2).

14 39. Upon information and belief, Defendant is not a tax exempt
15 nonprofit organization.

16 40. Defendant willfully violated the TCPA when it contacted Plaintiff's
17 cellular telephone using an "automatic telephone dialing system" or using an
18 "artificial or prerecorded voice." Defendant's conduct was willful because
19 Plaintiff requested no less than one (1) time orally and no less than five (5) times
20 in writing that Defendant cease calling Plaintiff.

21 41. Upon information and belief, within four years prior to the filing of
22 this action, Defendant willfully and/or knowingly contacted Plaintiff no less than
23 twenty-two (22) times at Plaintiff's cellular telephone using an "automatic
24 telephone dialing system" or using an "artificial or prerecorded voice" in
25 violation of the TCPA.

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1 **V. FIRST CAUSE OF ACTION**

2 **(Violations of the RFDCPA, CAL. CIV. CODE § 1788)**

3 42. Plaintiff incorporates by reference all of the above paragraphs of this
4 Complaint as though fully stated herein.

5 43. Defendant violated the RFDCPA. Defendant's violations include,
6 but are not limited to, the following:

7 (a) Defendant violated CAL. CIV. CODE § 1788.11(d) by causing a
8 telephone to ring repeatedly or continuously to annoy the person called; and

9 (b) Defendant violated CAL. CIV. CODE § 1788.11(e) by communicating,
10 by telephone or in person, with the debtor with such frequency as to be
11 unreasonable and to constitute an harassment to the debtor under the
12 circumstances; and -

13 (c) Defendant violated CAL. CIV. CODE § 1788.14(c) by communicating,
14 with a debtor, other than statements of account, after the debt collector has been
15 notified in writing that the debtor is represented by an attorney; and

16 (d) Defendant violated CAL. CIV. CODE § 1788.17 by collecting or
17 attempting to collect a consumer debt without complying with the provisions of
18 Sections 1692b to 1692j, inclusive, of . . . Title 15 of the United States Code (Fair
19 Debt Collection Practices Act).

20 (i) Defendant violated CAL. CIV. CODE § 1788.17 by violating 15
21 U.S.C. § 1692c(a)(2) by communicating with a consumer if the debt collector
22 knows the consumer is represented by an attorney with respect to such debt and
23 has knowledge of, or can readily ascertain, such attorney's name and address,
24 unless the attorney fails to respond within a reasonable period of time to a
25 communication from the debt collector or unless the attorney consents to direct
26 communication with the consumer; and

27 (ii) Defendant violated CAL. CIV. CODE § 1788.17 by violating 15
28 U.S.C. § 1692c(a)(3) by communicating with a consumer at the consumer's place

1 of employment if the debt collector knows or has reason to know that the
 2 consumer's employer prohibits the consumer from receiving such
 3 communication; and

4 (iii) Defendant violated CAL. CIV. CODE § 1788.17 by violating 15
 5 U.S.C. § 1692c(c) by communicating with a consumer in connection with the
 6 collection of any debt after the consumer notifies the debt collector in writing that
 7 the consumer refuses to pay a debt or that the consumer wishes the debt collector
 8 to cease further communication with the consumer; and

9 (iv) Defendant violated CAL. CIV. CODE § 1788.17 by violating 15
 10 U.S.C. § 1692d by engaging in conduct, the natural consequence of which is to
 11 harass, oppress or abuse any person in connection with the collection of the
 12 alleged debt; and

13 (v) Defendant violated CAL. CIV. CODE § 1788.17 by violating 15
 14 U.S.C. § 1692d(5) by causing a telephone to ring or engaging any person in
 15 telephone conversation repeatedly or continuously with intent to annoy, abuse, or
 16 harass any person at the called number; and

17 (vi) Defendant violated CAL. CIV. CODE § 1788.17 by violating 15
 18 U.S.C. § 1692f by using unfair or unconscionable means in connection with the
 19 collection of an alleged debt.

20 44. Defendant's acts, as described above, were done intentionally with
 21 the purpose of coercing Plaintiff to pay the alleged debt.

22 45. As a result of the foregoing violations of the RFDCPA, Defendant is
 23 liable to Plaintiff for declaratory judgment that Defendant's conduct violated the
 24 RFDCPA, actual damages, statutory damages, and attorney's fees and costs.

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1 **VI. SECOND CAUSE OF ACTION**

2 **(Violations of the TCPA, 47 U.S.C. § 227)**

3 46. Plaintiff incorporates by reference all of the above paragraphs of
4 this Complaint as though fully stated herein.

5 47. Defendant violated the TCPA. Defendant's violations include, but
6 are not limited to the following:

7 (a) Within four years prior to the filing of this action, on no less than
8 twenty-two (22) occasions, Defendant violated TCPA 47 U.S.C. § 227

9 (b)(1)(A)(iii) which states in pertinent part, "It shall be unlawful for any person
10 within the United States . . . to make any call (other than a call made for
11 emergency purposes or made with the prior express consent of the called party)
12 using any automatic telephone dialing system or an artificial or prerecorded voice
13 — to any telephone number assigned to a . . . cellular telephone service . . . or any
14 service for which the called party is charged for the call.

15 (b) Upon information and belief, within four years prior to the filing of
16 this action, on no less than twenty-two (22) occasions, Defendant willfully and/or
17 knowingly contacted Plaintiff at Plaintiff's cellular telephone using an artificial
18 prerecorded voice or an automatic telephone dialing system and as such,
19 Defendant knowing and/or willfully violated the TCPA.

20 48. As a result of Defendant's violations of 47 U.S.C. § 227, Plaintiff is
21 entitled to an award of five hundred dollars (\$500.00) in statutory damages, for
22 each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B). If the Court finds
23 that Defendant knowingly and/or willfully violated the TCPA, Plaintiff is entitled
24 to an award of one thousand five hundred dollars (\$1,500.00), for each and every
25 violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

26 49. Plaintiff is also entitled to seek injunctive relief prohibiting such
27 conduct in the future.

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VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for the following:

- (a) An injunction prohibiting Defendant from contacting Plaintiff on Plaintiff's cellular telephone using an automated dialing system pursuant to 47 U.S.C. § 227(b)(3)(A); and
- (b) Actual damages pursuant to CAL. CIV. CODE § 1788.30(a); and
- (c) As a result of Defendant's violations of 47 U.S.C. § 227(b)(1), Plaintiff is entitled to and requests five hundred dollars (\$500.00) in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B); and
- (d) As a result of Defendant's willful and/or knowing violations of 47 U.S.C. § 227(b)(1), Plaintiff is entitled to and requests treble damages, as provided by statute, up to one thousand five hundred dollars (\$1,500.00), for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C); and
- (e) Statutory damages pursuant to CAL. CIV. CODE § 1788.30(b); and
- (f) Costs and reasonable attorney's fees pursuant to CAL. CIV. CODE § 1788.30(c); and
- (g) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law; and
- (h) For such other and further relief as the Court may deem just and proper.

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1 **VIII. DEMAND FOR JURY TRIAL**

2 Please take notice that Plaintiff demands a trial by jury in this action.

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4 RESPECTFULLY SUBMITTED,

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6 Dated: December 19, 2013

PRICE LAW GROUP, APC

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8 By: 

9 G. Thomas Martin, III
10 *Attorney for Plaintiff*
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Otis D. Wright II and the assigned Magistrate Judge is Arthur Nakazato .

The case number on all documents filed with the Court should read as follows:

 SACV13-1999-ODW (ANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

December 26, 2013

Date

By MDAVIS

Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

☐ Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

☐ Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

MARIA CLEMENA, an individual

Plaintiff

v.

ONEMAIN FINANCIAL, INC., a foreign corporation;
and DOES 1 to 10, inclusive,

Defendant

Civil Action No.

SACV13-1999-ODW (ANx)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

ONEMAIN FINANCIAL, INC., a foreign corporation
300 St. Paul Place
Baltimore, Maryland 21202

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

G. Thomas Martin, III, Esq. (SBN 218456)
PRICE LAW GROUP, APC
15760 Ventura Blvd., Suite 1100
Encino, CA 91436
T: (818) 907-2030; F: (866) 397-2030
tom@plglawfirm.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: DEC 26 2013

CLERK OF COURT

Marilyn D.

Signature of Clerk or Deputy Clerk



AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETI. (a) PLAINTIFFS (Check box if you are representing yourself ☐)DEFENDANTS (Check box if you are representing yourself ☐)

MARIA CLEMENA

ONEMAIN FINANCIAL, INC., a foreign corporation; and DOES 1 to 10, inclusive

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

G. Thomas Martin, III (SBN 218456)
PRICE LAW GROUP, APC, (818)907-2030
15760 Ventura Blvd., Suite 1100, Encino, CA 91436

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff
- ☒ 3. Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant
- ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

- | | | | | | |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1. Original Proceeding
- ☐ 2. Removed from State Court
- ☐ 3. Remanded from Appellate Court
- ☐ 4. Reinstated or Reopened
- ☐ 5. Transferred from Another District (Specify)
- ☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No ☐ MONEY DEMANDED IN COMPLAINT: \$ according to proof

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT [CAL. CIV. CODE § 1788]; THE TELEPHONE CONSUMER PROTECTION ACT [47 U.S.C. § 227]

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	PERSONAL PROPERTY	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input checked="" type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	LABOR	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

SACV13-1999

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court?	STATE CASE WAS PENDING IN THE COUNTY OF:	INITIAL DIVISION IN CACD IS:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside:	Then check the box below for the county in which the majority of PLAINTIFFS reside:	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims?	A Los Angeles County	B Ventura, Santa Barbara, or San Luis Obispo Counties	C Orange County	D Riverside or San Bernardino Counties	E Outside the Central District of California	F Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies: <input checked="" type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. →	C.2. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	SOUTHERN

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): _____

DATE: 12/19/2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))